

2004-55

To: Supreme Court Clerk

From: Dawn M. Rogers, Friend of the Court (Grand Traverse, Antrim and Leelanau counties)

Date: March 24, 2005

Re: Comment on proposed amendment of MCR 3.211

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The adoption of the amendment requiring that every judgment or order issued by every court in the State be on an SCAO approved "Uniform Support Order form" would be a mistake.

Every family is not the same. Every case is not the same. Every court is not the same.

We have always prepared our orders using word processed documents, which contain the required statutory and court rule provisions, but allow for insertion of provisions applicable and appropriate to the particular case and deletions of provisions that are not applicable or appropriate to the particular case. This makes for a case specific, professional-looking order.

The stated purposes for the proposed amendment are "reduction of paperwork" and that it will "allow the order format to change without further amending this court rule". I question the validity of the first assertion and the wisdom of the second.

In practice, the "form" will be subject to "white out", cross out, frequent "see attached" insertions and handwritten changes as courts, litigants, lawyers and the Friend of the Court try to make it fit the needs of a particular family. It will likely be attached and incorporated by reference to attorney and/or litigant prepared judgments. Referees and judges preparing decisions or recommendations and orders will complete and attach it as a second document. Rather than "reduce" paperwork, the mandatory form will increase paperwork and make orders and decisions confusing and sloppy.

As to the second stated purpose of the rule change, let me suggest that mandatory changes to such an important document *should* require greater scrutiny than simply the issuance of a new form. As a Friend of the Court, I can attest to the fact that the last several years have brought tremendous changes to every facet of cases involving family support. These changes have sought to mandate uniformity, modify parental responsibilities on an "administrative" basis and dictate to local courts how to substantively and procedurally handle domestic relations cases. Many of these changes have not had public scrutiny or input from those most effected - local courts and the families they serve. The most recent (October 1, 2004) child support guidelines are an example of product that was done largely in isolation of local court and public input and has been the subject of much criticism following its release. It would be wise not to repeat that mistake.